

REMARKS

Claims 1, 3-6, 8-11 and 13-18 are pending in the current application, claims 2, 7, 12 and 16 having been cancelled by this Amendment. Claims 1, 6, 9, 11 and 15 are independent claims. Reconsideration in view of the following remarks is kindly requested.

Allowable Subject Matter

Applicants appreciate the Examiner's indication that claims 12-14 and 16-18 would be allowable if rewritten into independent form. In view of the below remarks and the present amendments, Applicants respectfully submit that all claims are allowable in their present form.

Drawing Objections

The drawings stand objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) for failing to include a reference sign for the "medium 12". Applicants direct the Examiner to replacement Figure 1, filed with this Amendment, which includes the appropriate reference sign. In view of the timely filed replacement figure, Applicants respectfully request that the Examiner withdraw the drawing objection.

35 U.S.C. § 102(b) Will

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Will. Applicants respectfully traverse this art grounds of rejection.

The Examiner alleges that "Will differs from the claimed invention in that Will does not specifically teach[es that] aborting the transmission of one of the first data packets; and inserts and acknowledge sequence number equal to the transmission sequence number for the aborted first data packet into one of the first data packets to be transmitted" (see page 4 of the

Office Action). Applicants direct the Examiner to the presently pending and amended independent claims 1 and 6 which substantially recite the limitations which the Examiner acknowledges Will as failing to disclose or suggest. In view of the present amendments, Applicants respectfully request that the Examiner withdraw this art grounds of rejection.

35 U.S.C. § 103(a) Will in view of Lei

Claims 2 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Will in view of Lei. As claims 2 and 7 have been cancelled, this rejection is now moot.

35 U.S.C. § 103(a) Will in view of Lei and further in view of Shalom

Claim 3 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Will in view of Lei and further in view of Shalom. Applicants respectfully traverse this art grounds of rejection.

The combination of Will and Lei fail to disclose or suggest “aborting the transmission of at least one of the first data packets”, and “inserting an acknowledge sequence number in at least one of the transmitted first data packets, the acknowledge sequence number being the transmission sequence number of one of the aborted first data packets” as recited in independent claim 1 and as similarly recited in independent claim 6. A cursory review of the Shalom reference indicates that Shalom is similarly deficient in disclosing or suggesting the above recited claim limitations.

As such, claims 3 and 8, dependent upon independent claims 1 and 6, respectfully, are likewise allowable over the combination of Will in view of Lei and further in view of Shalom at least for the reasons given above with respect to independent claims 1 and 6.

Applicants respectfully request the Examiner withdraw this art grounds of rejection.

35 U.S.C. § 103(a) Will in view of Shalom and further in view Lei

Claims 4-5 and 9-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Will in view of Shalom and further in view of Lei. Applicants respectfully traverse this art grounds of rejection.

The Examiner acknowledges that “Will and Shalom differs from the claimed invention in that Will and Shalom does not specifically teach[es that] inserting an acknowledge sequence number in at least one of the data packets, the acknowledge sequence number being the transmission sequence of the data packet that was aborted” (see page 7 of the Office Action). However, the Examiner seeks to combine Lei with the combination of Will and Shalom to overcome this particular this particular deficiency.

Lei illustrates how the cited art of record relies upon non-acknowledgements to request a retransmission of lost data packets. Applicants respectfully submit that Lei cannot disclose or suggest “inserting an acknowledge sequence number in at least one of the data packets, the acknowledge sequence number being the transmission sequence number of the data packet that was aborted” as recited in independent claim 4 and similarly recited in independent claim 9. Further, the Examiner has indicated that the combination of Will and Shalom also fails to disclose or suggest this claim limitation (see page 7 of the Office Action). In view of the above remarks, Applicants respectfully submit that independent claims 4 and 9 are allowable.

As such, claims 5 and 10, dependent upon independent claims 4 and 9, respectfully, are likewise allowable over the combination of Will in view of Shalom and further in view of Lei at least for the reasons given above with respect to independent claims 4 and 9.

Applicants respectfully request that the Examiner withdraw this art grounds of rejection.

35 U.S.C. § 103(a) Shalom in view of Lei

Claims 11 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shalom in view of Lei. Applicants respectfully traverse this art grounds of rejection.

By this Amendment, the claim limitations present in original claims 12 and 16 have been amended into independent claims 11 and 15, respectfully. The Examiner has indicated that claims 12 and 16 would be allowable if rewritten into independent form (see pages 10 and 11 of the Office Action). As such, Applicants respectfully submit that independent claims 11 and 15 are allowable.

Withdrawal of this art ground of rejection is therefore kindly requested.

Reconsideration and issuance of the present application is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 3-6, 8-11 and 13-18 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below.

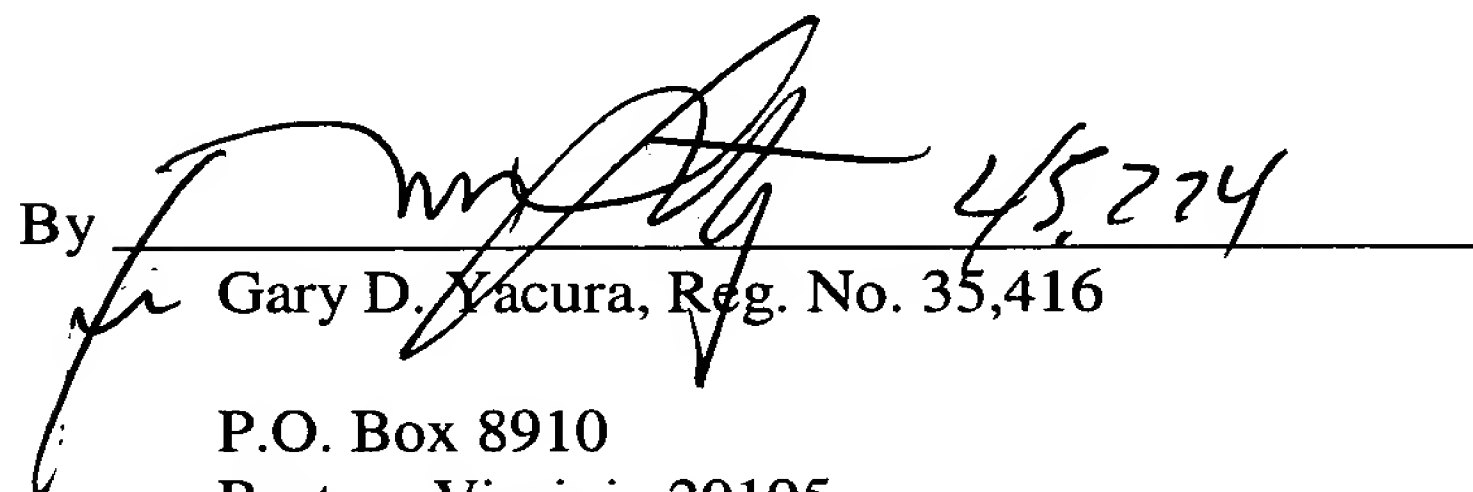
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly,

extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

A handwritten signature in black ink, appearing to read 'Gary D. Yacura', is written over a horizontal line. To the right of the signature, the number '45,224' is handwritten.

Gary D. Yacura, Reg. No. 35,416

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/MJL/DAP:cdw:bof

Attachment: Replacement Drawing of Figure 1

AMENDMENTS TO THE DRAWINGS

The attached replacement sheet of Figure 1 replaces the original Figure 1 drawing.

Attachment: Replacement Sheet of Figure 1